

and had been substituted wholly or in part for normal oysters of good commercial quality.

Misbranding was alleged for the reason that the statements appearing on the respective labels, "5 Oz. Oysters" and "10 Oz. Oysters," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 3, 1923, the Dunbar-Dukate Co., New Orleans, La., having appeared as claimant for the property and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,750, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11615. Adulteration of canned salmon. U. S. v. 117 Cases, et al., of Salmon. Consent decrees of condemnation and forfeiture. Product released for reshipment and reexamination under bond. (F. & D. Nos. 17169, 17230, 17231. I. S. Nos. 190-v, 254-v. S. Nos. E-4269, E-4301.)

On January 16 and February 5, 1923, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 224 cases of salmon, in various lots at Hoboken, Jersey City, and Paterson, N. J., respectively, alleging that the article had been shipped by the Warren Packing Co., Portland, Ore., in part on or about July 19 and in part on or about September 12, 1922, and transported from the State of Oregon into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A-1 * * * Head Office Portland, Oregon Warren Brand Warren Packing Company, Distributors Cathlamet, Wash. Warrendale, Ore. Fancy Columbia River Blue Back * * * Spring Catch Contents 8 Ounces Salmon."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 19, 1923, the Warren Packing Co., claimant, having admitted the allegations of the libels and consented to the entry of decrees of condemnation and forfeiture, it was ordered by the court that the product be delivered to the said claimant upon the execution of bonds in the aggregate sum of \$1,150, in conformity with section 10 of the act, conditioned in part that it be reshipped to the factory of the claimant at Portland, Ore., to be reexamined and reconditioned under the supervision of this department, the bad portion destroyed and the good portion released to the claimant. It was further ordered by the court that, in the event the reconditioning did not result in the complete elimination of the objectionable salmon, the entire lot be destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11616. Adulteration of cocoa beans. U. S. v. 128 Bags of Cocoa Beans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17404. I. S. No. 325-v. S. No. E-4338.)

On March 27, 1923, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 128 bags of cocoa beans, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by Baasch & Romer Sucs., from Puerto Cabello, Venezuela, on or about February 24, 1923, and imported from a foreign country into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 22, 1923, Habicht, Braun & Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in